

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:19-cv-00248-MR-WCM**

**FRANK STEPHEN ROBERTS,**

**Plaintiff,**

**vs.**

**DELTA AIR LINES, INC.,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Amended Complaint [Doc. 6].

On September 4, 2019, the Court entered an Order dismissing this action pursuant to 28 U.S.C. § 1915 for failing to state a claim. [Doc. 3]. Such dismissal was made without prejudice to the Plaintiff filing an Amended Complaint within fourteen (14) days. [Id.]. The Court specifically warned the Plaintiff that his failure to file an Amended Complaint within the time specified would "likely result in the dismissal of this action with prejudice." [Id. at 6].

On September 23, 2019, nineteen (19) days after entry of the Court's Order, the Plaintiff filed a motion requesting an additional thirty (30) days in which to file an Amended Complaint. [Doc. 4]. Noting the untimeliness of

the motion, the Court nevertheless granted the Plaintiff's request for an extension of 30 days from the entry of the Court's Order to file an Amended Complaint. [Doc. 5]. The Court advised the Plaintiff, however, that "no further extensions will be allowed absent a showing of exceptional circumstances." [Id. at 2].

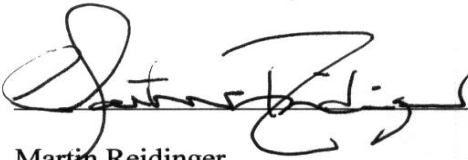
The Court's Order granting the Plaintiff an extension of time was entered on September 27, 2019, which meant that the deadline for the filing of the Plaintiff's Amended Complaint was October 27, 2019. The record reflects that the Plaintiff hand-delivered his Amended Complaint to the Clerk's Office on October 28, 2019. As such, the Plaintiff's filing is untimely.

The Plaintiff was afforded an opportunity to file an Amended Complaint to cure the deficiencies noted in his initial filing. He was then given a significant extension of time to file such amended pleading, even though his request for an extension was not made until after the time for filing had already expired. Nevertheless, the Plaintiff failed to comply with the deadlines established by the Court. Accordingly, the Court dismisses this action with prejudice.

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed: November 18, 2019

  
Martin Reidinger  
United States District Judge

